

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 08-2896

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Michael E. McKinzy, Sr.,

Appellant,

v.

Union Pacific Railroad Co.,

Appellee.

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Appeal from the United States  
District Court for the Western  
District of Missouri

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Submitted: April 14, 2009

Filed: June 15, 2009

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Before LOKEN, Chief Judge, and COLLOTON, Circuit Judge, and ROSENBAUM,<sup>1</sup>  
District Judge.

ROSENBAUM, District Judge

Michael E. McKinzy appeals the district court's grant of summary judgment to the Union Pacific Railroad Company. For the reasons set forth in the order issued by the district court,<sup>2</sup> we affirm. See 8<sup>th</sup> Cir. R. 47B.

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<sup>1</sup>The Honorable James M. Rosenbaum, United States District Judge for the District of Minnesota, sitting by designation.

<sup>2</sup>The Honorable Greg Kays, United States District Court, Western District of Missouri.